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Attorneys for Defendant OLD REPUBLIC EQUITY CREDIT SERVICES, INC.,  
erroneously sued as OLD REPUBLIC EQUITY CREDIT SERVICES

**UNITED STATES DISTRICT COURT**  
**SOUTHERN DISTRICT OF CALIFORNIA**

PHILIP BAUTISTA,  
  
Plaintiff,  
  
vs.

BANK OF AMERICA; OLD REPUBLIC  
EQUITY CREDIT SERVICES,  
  
Defendants.

Case No: 08CV0685-LAB (LSP)

**DEFENDANT OLD REPUBLIC  
EQUITY CREDIT SERVICES' NOTICE  
OF MOTION TO DISMISS PURSUANT  
TO FRCP 12(B)(1) AND/OR 12(B)(6)**

DATE: JULY 28, 2008  
TIME: 11:15 A.M.  
COURTROOM: 9

JUDGE: HON. LARRY ALAN BURNS

TO PHILIP BAUTISTA AND HIS ATTORNEY(S) OF RECORD:

PLEASE TAKE NOTICE that on July 28, 2008, at 11:15 a.m., or as soon  
thereafter as this matter may be heard in Courtroom 9 of the above-entitled Court located  
at 940 Front Street, San Diego, California, Defendant Old Republic Equity Credit  
Services, Inc., erroneously sued as Old Republic Equity Credit Services ("Old Republic")  
will, and hereby does, move this Court for an order dismissing the entire action pursuant  
to FRCP 12(b)(1) and/or 12(b)(6).

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1 This motion will be based upon this Notice, the memorandum of points and  
2 authorities filed in support thereof, and the pleadings on file herein and such evidence  
3 and argument as the Court may consider at the hearing hereon.

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5 Dated: June 9, 2008

6 FOLEY & LARDNER LLP  
7 ANDREW B. SERWIN  
8 WILLIAM T. YOON

9 By: /s/ Andrew B. Serwin  
10 ANDREW B. SERWIN  
11 Attorneys for Defendant OLD  
12 REPUBLIC EQUITY CREDIT  
13 SERVICES, INC., erroneously sued as  
14 OLD REPUBLIC EQUITY CREDIT  
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